
DIGEST

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HB 1149 Reengrossed

2016 Regular Session

Leger

Abstract: Changes the nominating and appointment process for the boards of commissioners for the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank and provides relative to the powers and duties of such authorities.

Present law provides a process by which the board of commissioners of the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank are nominated and appointed.

Proposed law changes present law in that it provides for a process to be followed for a vacancy which will occur due to the expiration of a term (expected vacancy) and a vacancy which occurs for any other reason (unexpected vacancy).

Proposed law requires the nomination process for an expected vacancy to begin one year prior to the occurrence of an expected vacancy.

Proposed law requires the nominating committee for such boards to provide nominations to the governor for appointments for expected and unexpected vacancies in a certain time frame.

Proposed law requires the governor to make appointments within a certain time frame for expected and unexpected vacancies and submit such appointments to the Senate for confirmation within 48 hours of making such appointments.

Proposed law requires the governor, in the event that the nominating committee does not provide nominees to him in a certain amount of time, to make such appointments and submit such appointments to the Senate for confirmation within 48 hours of making such appointments.

Present law provides that all commissioners appointed, except a commissioner appointed to fill an unexpired term, shall be appointed as provided in present law for staggered terms of four years and that no member shall serve more than two consecutive four-year terms.

Proposed law provides that if a person serves two years or more of an unexpired term, such service will constitute a term.

Proposed law adds that a former board member may be reappointed to the board after sitting out four years from the completion of his last consecutive term.

Present law provides that notwithstanding any other provision of law, all persons who are appointed to a position on a board, commission, committee, or district, which requires Senate confirmation, including persons appointed to a partial term shall be subject to reconfirmation as follows:

- (1) The service of each appointee appointed to a term concurrent with the appointing official or at the pleasure of the appointing official expires at the end of the appointing official's term as provided for in Article IV, §3 of the Constitution of Louisiana or as otherwise provided for by law.

The appointee may continue to serve until the end of the second regular session of the legislature following the beginning of the legislative term at which time the position will become vacant unless the appointee is reappointed to the position and has been confirmed by the Senate prior to the end of the second legislative session.

- (2) The service of each appointee appointed to a fixed term shall expire at the end of the term to which the appointee was appointed.

The appointee may continue to serve until the end of the second regular session of the legislature following the expiration of the term.

Proposed law provides that notwithstanding present law no person shall serve on the board of commissioners beyond the expiration of a term unless reappointed to a position on the board by the process required by proposed law.

Present law provides that a majority of the commissioners of the board shall constitute a quorum to do business.

Proposed law specifies that a majority of the sitting commissioners of the board shall constitute a quorum to do business.

Present law provides that a vacancy created by reason of death, resignation, expiration of term, removal, or any other cause shall be filled in the same manner as the original appointment.

Proposed law provides that a vacancy created by reason of death, resignation, removal, or any other cause other than the expiration of a term shall be an unexpected vacancy to be filled according to proposed law pertaining to unexpected vacancies.

Proposed law provides that after Jan. 1, 2018, the authority or any levee district within the territorial jurisdiction of the authority may divest itself of any drainage or pumping responsibilities that would otherwise fall to the responsibility of a parish governing authority.

(Amends R.S. 38:330.1(C)(3) and (4), (D)(2), (E), (F)(1), and (H); Adds R.S. 38:330.1(C)(5) and (D)(3) and 330.2(A)(2)(c))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Clarify when the nominating committee can meet to determine nominations to send to the governor for expected and unexpected vacancies on a board of commissioners.
2. Provide that if a person serves two years or more of an unexpired term on a board of commissioners that such service shall constitute a term.